

भारत कोकिंग कोल लिमिटेड

(एक मिनी रत्न कम्पनी)

(कोल इंडिया की सहायक कंपनी)

पंजीकृत कार्यालय: कोयला भवन,

कोयला नगर, धनबाद-826005,

सी०आइ०एन०: U10101JH1972GOI000918

वेब-साइट: www.bcclweb.in



A
Maharatna
Company

BHARAT COKING COAL LIMITED

(A Mini Ratna Company)

(A Subsidiary of Coal India Ltd - A MahaRatna Company)

OFFICE OF THE GENERAL MANAGER,
BARORA AREA,

P.O.-Nawagarh, Dist.-Dhanbad.

e-mail: gmbarora.bccl@coalindia.in

Ref.: BCCL/AR-I/H-HEMM-52/Banning/Essal Infra/2021/ 844

Date: 19.08.2021

To,

M/s Essal Infrastructure Private Limited,

At: Near Sparsh Automobiles,

Dhamtari Road,

Pachpedi Naka,

Raipur,

Chhattisgarh-492001.

Through Speed Post

e-mail:

ramavtareipl@gmail.com

essalinfra@gmail.com

Subject : Banning of M/s Essal Infrastructure Private Limited from being eligible to submit bids in future tenders of BCCL for a period of 02 (two) years.

- Reference** :
1. Tender for the work of "Hiring of HEMM for removal of OB, extraction & transportation of Coal from XI/XII, IX/X, VIII C, VIII B, VIII A & VI/VII (Combined) seams at Ashakothi Patch, Phularitand Section of Amalgamated Muraidih- Phularitand Colliery, Barora Area, BCCL" vide NIT No.: BCCL/CMC/H-HEMM/e-Tender/2020/457 dated 31.12.2020, e-Tender Notice No. H-HEMM-52.
 2. Tender ID at e-Procurement Portal of CIL: 2020_BCCL_191945_1.
 3. Letter of Acceptance No. BCCL/CMC/H-HEMM-52/Ashakothi Patch-Barora/2021/151 dated 17.04.2021.
 4. Show-Cause Notice Ref. GM/AR-1/Hired HEMM/Show Cause/537 dated 08.07.2021, and reminder ref. GM/AR-1/Hired HEMM/Show Cause/646 dtd. 21.07.2021.
 5. Reply submitted vide ref. RAM/2021-2022/0023 dated 21.07.2021.

Dear Sir,

For the work under reference (1), an e-tender under reference (2) was invited from CMC Dept., BCCL at e-Procurement Portal of Coal India Limited (<https://coalindiatenders.nic.in>). In this connection, a Bid vide BID ID No. 601190 was submitted online at the Portal on 18.01.2021 by M/s RAM AVTAR – EIPL (JV), wherein, M/s Ram Avtar Engineers Private Limited (CIN: U10100JH2020PTC015409, PAN: AAKCR5497B) is the lead partner of said Joint Venture and you i.e. M/s Essal Infrastructure Private Limited (CIN: U04520CT2004PTC017024, PAN: AABCE3703G) is partner of said JV. Subsequently, M/s RAM AVTAR – EIPL (JV) became the L-1 bidder for the said

tender. Accordingly, Letter of Acceptance (LOA) was issued in favour of M/s RAM AVTAR – EIPL (JV) under reference (3), which was duly accepted by the said JV vide letter dtd. 23.04.2021.

As per terms & conditions of the NIT/ tender document, M/s RAM AVTAR – EIPL (JV) was advised in the LOA to furnish Performance Security in the Office of General Manager, Barora Area in the form as detailed in Clause-4 of 'Conditions of Contract (General Terms & Conditions)' of the Tender document for an amount of Rs. 4,53,03,782/- (Rupees Four Crore Fifty Three lakh Three Thousand Seven Hundred Eighty Two Only) within 21 (twenty one) days of issue of the Letter of Acceptance dtd. 17.04.2021 (i.e. on or before 08.05.2021), to enable the Area to issue a formal Work Order to the said JV and signing of the contract Agreement.

In this connection, M/s RAM AVTAR – EIPL (JV) had submitted a representation ref. RAM/2021-2022/0007 dated 06.05.2021 through email on 06.05.2021, requesting to extend the date for submission of Performance Security Deposit for the above LOA citing various reasons such as outbreak of Covid19 pandemic, lockdown, Covid19 positive report of some of the Directors/ Staff of the JV partners and restricted working hours in Banking Sectors etc. Accordingly, through said letter dtd. 06.05.2021, M/s RAM AVTAR – EIPL (JV) had requested the BCCL Management to sanction additional time of one and half month. As requested by M/s RAM AVTAR – EIPL (JV), Competent Authority approved time extension for a period of 45 days beyond the scheduled end date (i.e. 08.05.2021 + 45 days) for submission of Performance Security Deposit. Accordingly, vide letter No. GM/AR-1/AGM/Ashakothi Patch/ Ram Avtar – EIPL JV/187 dated 17.06.2021 the approval was communicated to M/s RAM AVTAR – EIPL (JV), requesting for submission of the Performance Security within the extended approved period of 45 days i.e. on or before 22.06.2021 (i.e. 08.05.2021 + 45 days = 22.06.2021) to enable the Area authorities to issue a formal Work Order to M/s RAM AVTAR – EIPL (JV) and signing of the contract Agreement.

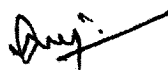
In spite of the grant of time extension as requested by M/s RAM AVTAR – EIPL (JV), said JV has failed to submit the Performance Security Deposit on time. In this connection, relevant portion of Clause-4.2 under Conditions of Contract (General Terms & Conditions) are mentioned as below:

Quote:

.....

In case the successful bidder fails to submit the Performance Security within the stipulated time then the award of work shall be cancelled.

Additionally, the bidder shall be banned for minimum two years from being eligible to submit bids in CIL and its subsidiaries. This banning shall be done under the provisions of NIT with the approval of Tender Accepting Authority by Application Admin of CIL e-Procurement Portal.



In case of JV/Partnership firm, this banning shall also be applicable to all individual partners of JV/Partnership firm.

Unquote:

Further, at Point No. 5 'Joint and Several Liabilities' of the submitted Joint Venture Agreement of M/s RAM AVTAR – EIPL (JV), the following is mentioned:

Quote:

"5) JOINT AND SEVERAL LIABILITIES.

All partner of Joint Venture /Consortium shall be liable jointly and severally during the Pre-qualification and Bidding process; and in the event the contract is awarded, during the execution of the Contract, in accordance with Contract terms."

Unquote:

Relevant provision of "Letter of Bid" (Annexure-A of tender document) submitted by M/s RAM AVTAR – EIPL (JV) in the instant tender is mentioned as below:

Quote:

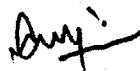
"

Should this bid be accepted, we agree to furnish Performance Security within 21 days of issue of letter of acceptance and commence the work within 10 (ten) days from the submission of Performance Security or handing over the site whichever is later. In case of our failure to abide by the said provision Bharat Coking Coal Limited shall, without prejudice to any other right or remedy, be at liberty to cancel the letter of acceptance/ award and to ban us for minimum two years from being eligible to submit bids in future tenders of CIL and its subsidiaries."

Unquote:

Therefore, as per above provisions of the NIT/ tender document, the LOA issued in favour of M/s RAM AVTAR – EIPL (JV) under reference (3) was cancelled with information to M/s RAM AVTAR – EIPL (JV) vide letter ref. GM/AR-1/Hired HEMM/Ashakothi Patch/LOA Cancellation/487 dated 01.07.2021.

Apart from cancellation of award of the work, a Show-Cause Notice vide ref. GM/AR-1/Hired HEMM/Show Cause/537 dated 08.07.2021 was issued to you i.e. M/s Essal Infrastructure Pvt. Ltd., M/s RAM AVTAR – EIPL (JV) and the lead partner M/s Ram Avtar Engineers Private Limited as to why the Joint Venture M/s RAM AVTAR – EIPL (JV) and both of its constituent partners i.e. you (M/s Essal Infrastructure Pvt. Ltd.) and the lead partner of JV M/s Ram Avtar Engineers Private Limited should not be banned from being eligible to submit the bids in CIL and its Subsidiaries as per the provisions of the NIT/ tender document.



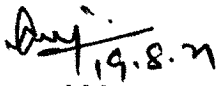
In this connection, a reply vide letter ref. RAM/2021-2022/0023 dated 21.07.2021 was submitted under the signatures of authorized signatories of M/s RAM AVTAR – EIPL (JV) and both of its constituted partners of the said JV i.e. M/s Ram Avtar Engineers Private Limited and M/s Essal Infrastructure Private Limited. The reply has not been found satisfactory by the Management.

Thus, M/s RAM AVTAR – EIPL (JV) has violated the provisions of Clause No. 4.2 Conditions of Contract (General Terms and Conditions) and the 'Letter of Bid' of instant tender, which attracts cancellation of awarded work and banning of M/s RAM AVTAR – EIPL (JV) for minimum two years from being eligible to submit bids in CIL and its Subsidiaries. As M/s RAM AVTAR – EIPL (JV) is a Joint Venture firm; this banning shall also be applicable to both individual partners of the said JV i.e. M/s Ram Avtar Engineers Private Limited and M/s Essal Infrastructure Private Limited.

In view of the foregoing, apart from cancellation of award of the work/LOA in favour of M/s RAM AVTAR – EIPL (JV) vide ref. GM/AR-1/Hired HEMM/Ashakothi Patch/LOA Cancellation/487 dated 01.07.2021, following action is also being taken against you (for being a partner of the said JV) as per Clause-4.2 under Conditions of Contract (General Terms & Conditions), Letter of Bid (Annexure-A) of NIT/Tender document and Point No. 5 of the Joint Venture Agreement:

M/s Essal Infrastructure Pvt. Ltd. is banned from being eligible to submit bids in future tenders of BCCL for a period of 02 (two) years from the date of issue of this order.

This issues with the approval of competent authority.


19.8.21
General Manager,
Barora Area, BCCL.

Copy:

1. CMD/ D(T)OP/ D(T) P&P/ D(F)/ D(P)/ CVO, BCCL.
2. Shri Aditya Prakash Mishra, IRSE (Retd.)
email: apmishra53@gmail.com
3. Shri Gautam Sen, IDAS (Retd.)
email: gautamsen1976@gmail.com
4. GM (Cordn.)/ All Area GMs, BCCL.
5. GM (CMC), CIL/BCCL/ECL/CCL/SECL/WCL/MCL/NCL/NEC.
6. All HODs, BCCL HQ.
7. GM (System), BCCL. – for uploading on BCCL website under
"Banned/Blacklisted Company/ firms" page:
details enclosed at **Annexure-A**.
8. GM (Production), CIL, Kolkata.
9. Company Secretary, BCCL.
10. Office copy.

..... for kind information

Annexure-A

Sl. No.	Name & Address of the Firm/ Company	Name, Address & PAN of Proprietor	Registration No. & Date of the Firm	Nature of Business	Period of Ban/ Blacklisting From - To	Order No. & Date of Ban/ Blacklisting the firm	Remarks
1.	M/s RAM AVTAR – EIPL (JV). A Joint Venture of M/s Ram Avtar Engineers Private Limited and M/s Essal Infrastructure Private Limited.	N/A	N/A	Hiring of HEMM	2 years w.e.f.		Banned from being eligible to submit bids in Coal India Limited (CIL) and its Subsidiaries for a period of 02 (two) years
2.	M/s Ram Avtar Engineers Private Limited. At: Ground Floor, Rajsheela Apartment, Housing Colony, Bartand, Dhanbad, Jharkhand-826001.	PAN: AAKCR5497B	Corporate Identity Number: U10100JH2020PTC015409 dated 16.12.2020.	Hiring of HEMM	2 years w.e.f.		Banned from being eligible to submit bids in Coal India Limited (CIL) and its Subsidiaries for a period of 02 (two) years.
3.	M/s Essal Infrastructure Private Limited, At: Near Sparsh Automobiles, Dhamtari Road, Pachpedi Naka, Raipur, Chhattisgarh-492001	PAN: AABCE3703G	Corporate Identity Number: U04520CT2004PTC017024 dated 08.10.2004	Hiring of HEMM	2 years w.e.f.		Banned from being eligible to submit bids in Coal India Limited (CIL) and its Subsidiaries for a period of 02 (two) years.

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Sl. No.	Name & address of Firm/Company	Name, address & Pan No. of Proprietor	Registration No. & date of the Firm	Nature of Business	Period of Ban/Black listing From-To	Order No. & date of Ban/Blacklisting the firm	Remarks
1.	M/s Essal Infrastructure Private Limited At: Near Sprash Automobiles, Dhamtari Road Pachpedi Naka Raipur Chhatisgarh- 492001	M/s Essal Infrastructure Private Limited At: Near Sprash Automobiles, Dhamtari Road Pachpedi Naka Raipur Chhatisgarh- 492001 PAN - AABCE3703G	NA	Hired HEMM Tender	19.08.2021 to 18.08.2023	BCCL/AR-I/H-HEMM-52/Banning/Essal Infra/2021/844 dated-19.08.2021	Debarred from participating in future bids in all tenders of BCCL, in individual capacity or as a joint venture for a period of 2 year w.e.f. 19.08.2021

Enclosed
24/08/2021

M.R. Sivastava
24/08/2021
M. R. Sivastava
Sr. Mgr (Min) CMC.